

DOCKET: VIA-014-PAP
Serial No. 09/834,417



PATENT
Filing Date: April 12, 2001

In re application of: **Brian Banister**

Serial No.: **09/834,417**

Group Art Unit: **2662**


Confirmation No.: **5904**

Filed: **April 12, 2001**

Examiner: **Marcelo, Melvin C.**

For: Fast Feedback Channel with Flexible Bit Reliability for Wireless Communications

I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class mail in an envelope addressed to MAIL STOP Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **Monday, February 7, 2005**

 **2-7-05**
Martin J. Jaquez February 7th, 2005

MAIL STOP Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

This paper responds to a statement of "Reasons for Allowance" that was provided by the Examiner on page 2 of the Notice of Allowability mailed November 5th, 2004 in respect of the above-captioned patent application. Consideration of the following comments responsive to the Examiner's statement of Reasons for Allowance is respectfully requested.

COMMENTS

In paragraph 1, page 2, of the Notice of Allowability mailed November 5th, 2004, together with the Notice of Allowance and Fee(s) Due, the Examiner sets forth a statement of reasons for allowance of the claimed subject matter. The Examiner stated that the prior art of record, such as Delprat et al. (U.S. Pat. No.: 5,398,247 A) (hereafter "Delprat") teaches sub-channels that are logical, whereas in the claimed subject matter, the sub-channels are "physical" rather than logical as noted in the specification, page 9, lines 8-11. Applicant respectfully submits that while Delprat arguably teaches the use of logical sub-channels, nowhere does Delprat teach or suggest Applicant's invention as set forth in the allowed claims. Delprat discloses a TDMA radio-communication method wherein a physical transmission channel is split into a plurality of logic channels that may be dedicated to different communications. However, nowhere does Delprat teach or suggest Applicant's inventive methods and apparatus as set forth in the allowed claims.

As described in Applicant's specification and set forth in the allowed claims, Applicant teaches a method of combining a plurality of sub-channels to form a single physical channel, comprising the steps of: individually channel coding at least a first and a second sub-channel of the plurality of sub-channels to form respective first and second code symbols; merging the first and second resulting code symbols to form a combined set of symbols; and interleaving the combined set of symbols so that the combined set of symbols can be transmitted over the single physical channel. Furthermore, as described in Applicant's specification and set forth in allowed Claim 13, for example, Applicant teaches the inventive apparatus that combines a plurality of sub-channels to form a single physical channel, comprising: a first channel coder to individually channel code a first sub-channel of the plurality of sub-channels to form first resulting code symbols; a second channel coder to individually channel code a second sub-channel of the plurality of sub-channels to form second resulting code symbols; and an interleaver to merge the first and second resulting code symbols to form a combined set of symbols and to interleave the

combined set of symbols so that the combined set of symbols can be transmitted over the single physical channel. Applicant respectfully submits that none of the prior art of record, including Delprat, teaches or suggests the inventive methods and apparatus described in Applicant's specification and set forth in the allowed claims.

Furthermore, as regards the "logical"/"physical" characterization of the "sub-channels", as those terms are used in the allowed claims, as described in Applicant's specification at page 9, lines 8-11, the sub-channels 10_1 through 10_N are not "logical" channels in the sense that they cannot be separated by logical functions alone. As described thereat, the sub-channels are not characterized as "logical" (and are therefore characterized within the specification as being "physical") because some knowledge of the modulation mechanisms is required in order to separate them. Further, as described in Applicant's specification at page 12, lines 1-3, each of the sub-channels is considered characterized as physical by virtue of the fact that each is individually coded and decoded separately. As described thereat, each of the sub-channels can be coded according to its own needs.

DOCKET: VIA-014-PAP
Serial No. 09/834,417

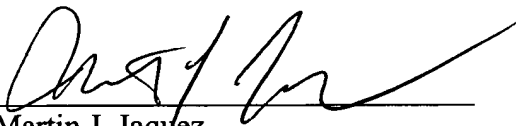
PATENT
Filing Date: April 12, 2001

Applicant respectfully submits that while Delprat arguably teaches splitting a physical channel into a plurality of logical channels that may be dedicated to different communications in a TDMA radio communications system, nowhere does Delprat teach or suggest Applicant's inventive method and apparatus described in Applicant's specification and set forth in the allowed claims. While Applicant characterizes the sub-channels as being "physical" in the specification (as opposed to "logical") for the reasons set forth above, this characterization is not the only reason that Applicant's claimed invention is patentably distinct from the prior art of record. Rather, the prior art of record neither teaches or suggests Applicant's inventive methods and apparatus as set forth in the allowed claims.

Fees required to cause these Comments to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. **50-0490**.

Respectfully submitted,

February 7th, 2005
Date


Martin J. Jaquez
Registration No. 38,060
Customer No. 27,179
JAQUEZ & ASSOCIATES
6265 Greenwich Drive, Suite 100D
San Diego, California 92122
(858) 453-2004 (voice)
(858) 453-1280 (fax)
E-mail: barbara@jaquez-associates.com